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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,272	07/06/2001	Manfred Reichardt	111427-00497/AT-00-014	3923

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WASHINGTON, DC 20037

EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/899,272

Applicant(s)

REICHARDT ET AL.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-28 is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

Receipt is acknowledged of the change of address, received on 7/10/2002, and the IDS, filed on 10/2/2002, both of which have been entered in the file. Claims 1-28 are pending.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --SMART-CARD READER INCLUDING MECHANICAL LOCKING MEANS--.

#### ***Claim Objections***

3. Claims 1, 4, 5, 6, 8, 18, 21-25, 27, and 28 are objected to because of the following informalities:

Claim 1:

Line 7, "card" should be replaced with --smart-card--, in order to maintain consistency.

Line 12, "the" (second occurrence) should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the perimeter".

Line 13, "card" should be replaced with --smart-card--, in order to maintain consistency.

Lines 15-16, "the" (third occurrence) should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the locked reading position".

Line 16, "card" should be replaced with --smart-card--, in order to maintain consistency.

Claim 4:

Line 3, "the" (first occurrence) should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the locking switch".

Lines 5-6, "the" (second occurrence) should be replaced with --an--, in order to avoid a lack of proper antecedent basis for "the emergency de-locking lever".

Claim 5, lines 3: "its" should be deleted, and --the locking lever-- should be inserted after "rotation", in order to clarify the claim.

Claim 6, line 4: "the components" should be deleted, in order to avoid a lack of proper antecedent basis for "the components".

Claim 8, lines 1: "its" should be deleted, in order to clarify the claim.

Claim 18, line 3: "its" should be deleted, and --of the locking lever-- should be inserted after "movement", in order to clarify the claim.

Art Unit: 2876

Claim 21, line 2: "card" should be replaced with --smart-card--, in order to maintain consistency.

Claim 22, line 2: "card" should be replaced with --smart-card--, in order to maintain consistency.

Claim 23:

Lines 1-2, "at its forward portion" should be deleted.

Line 2: "card" should be replaced with --smart-card--, in order to maintain consistency, and --at a forward portion of the locking slide-- should be inserted after "means", in order to clarify the claim.

Claim 24:

Line 3, "its" should be deleted.

Line 4, --of the card lock-- should be inserted after "movement", and "its" should be deleted, in order to clarify the claim.

Claim 25:

Line 6, "card" should be replaced with --smart-card--, in order to maintain consistency.

Line 8, "first or" should be deleted, in order to avoid a lack of proper antecedent basis for "said first".

Line 9, "the" should be deleted, in order to avoid a lack of proper antecedent basis for "the insertion", "card" should be replaced with --smart-card--, in order to maintain consistency, and "its" should be replaced with --said--, in order to clarify the claim.

Line 14, "card" should be replaced with --smart-card--, in order to maintain consistency.

Line 15, "the" (both occurrences) should be replaced with --said--, in order to maintain consistency.

Line 16, "means" should be replaced with --slide--, in order to maintain consistency, "its" should be replaced with --a--, --of the locking slide-- should be inserted after "end", in order to clarify the claim, and "card" should be replaced with --smart-card--, in order to maintain consistency.

Line 18, "its" should be replaced with --a smart-card--, in order to clarify the claim.

Lines 19 and 20, "its" should be replaced with --a--, in order to clarify the claim.

Claim 27, lines 2 and 3: "its" should be replaced with --said--, in order to clarify the claim.

Claim 28, line 4: "its" should be replaced with --said smart-card--, and ", e.g." should be deleted, in order to clarify the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 5 reads, "a contacting apparatus not movable, glideable, pivotable ...". However, the specification teaches that the contacting apparatus is reciprocally mounted in the housing and can be moved in the direction of card insertion (see page 4, lines 4-17, and page 11, lines 5-10, of the specification). Thus, the specification teaches that the contacting apparatus is moveable. Therefore, there is no basis in the specification for the limitation in claim 1 that the contacting apparatus is not movable, glideable, or pivotable. It is unclear as to whether this limitation is another embodiment of the invention, or if this is simply an error in claim 1.

***Allowable Subject Matter***

6. Claims 1-28 would be allowable over the prior art of record upon correction of the claim objections and rejections under 35 USC 112 2<sup>nd</sup> paragraph, noted above.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: a smart-card reader comprising a locking slide and a locking lever mechanism wherein the locking slide extends longitudinally and outside a perimeter of the smart-

Art Unit: 2876

card and of the housing and alongside one of said side surfaces and wherein the locking lever mechanism locks the locking slide in a locked reading position and is located, seen in the direction of the smart-card insertion in front of the contacting apparatus and above the smart-card, in combination with the other claimed limitations as set forth in the claims.

While the prior art of record, for example: Bleier (US 6,382,508 B1), Kanayama et al (US 6,367,700 B1), Canard et al (US 6,341,727), Zuin (US 2001/0008815 A1), Zolkos et al (US 6,138,916), Shima et al (US 5,331,144), Reichardt et al (US 4,814,593), Bleier (JP 11-242722 A), all teach card readers having mechanisms for locking cards in a card reading position, the prior art of record fails to teach or fairly suggest applicant's claimed structure of the locking slide and locking lever, as recited in the claims. Furthermore, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to modify the prior art in a manner so as to create the claimed invention.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bleier (US 6,382,508 B1), Kanayama et al (US 6,367,700 B1), Canard et al (US 6,341,727), Zuin (US 2001/0008815 A1), Zolkos et al (US 6,138,916), Shima et al (US 5,331,144), Reichardt et al (US 4,814,593), Bleier (JP 11-242722 A), all teach card readers having mechanisms for locking cards in a card reading position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703)



Art Unit: 2876

305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

July 13, 2003

*Jared J. Fureman*  
Jared J. Fureman  
Art Unit 2876